

horse and wagon through this proviso; that it has so many exceptions, and it amounts to what Delegate Scanlan calls a platitude.

DELEGATE JAMES (presiding): Delegate Sherbow.

DELEGATE SHERBOW: I will ask the Chair to rule whether this is debate or questions for clarification. We stay here until 8:00 or 10:00 or 11:00 P.M. at night too much. Too much of the time is spent in debate when it is supposed to be for clarification. That is why we are here until 8:00 or 9:00 P.M. at night.

(Applause.)

DELEGATE JAMES (presiding): The gentleman is correct. This is strictly a question period.

Delegate Dukes.

DELEGATE DUKES: Delegate Willoner, both Judge Dorsey and I would like to know whether judicial conferences would be a public meeting unless covered by statute.

DELEGATE WILLONER: No. That is why the word "proceeding" is used, because that is a word that has a judicial history of formal court proceeding. Regardless of what the legislature did the legislature could not open up those proceedings. I would like to know what goes on in judicial conferences.

DELEGATE JAMES (presiding): Delegate Hopkins.

DELEGATE HOPKINS: Would the word "record" be interpreted to apply to academic records of students in the state colleges and public school system?

DELEGATE WILLONER: I will read you what the law in Maryland is now:

"The right to inspect public records or certain classes of records kept by a public official as a necessary part of his duty, has been held a right guaranteed by common law, the common law principle being that any public record was open to an unqualified inspection. Mandamus is considered to be an appropriate course of action to enforce the production of public records for inspection and private persons may avail themselves of this power without the need for intervention by a government law officer.

"The question of an individual's right to inspect a record depends upon two basic requirements: First, the individual

must have sufficient interest in the records or information and, second, that the records not be of such a nature that the record not violate the law or public policy."

It is my opinion that it would violate a public policy to open up academic records.

DELEGATE JAMES (presiding): Delegate Mason.

DELEGATE MASON: I would like to know if collective bargaining negotiations would be open to the public.

DELEGATE WILLONER: Collective bargaining negotiations between private parties is not a subject for this Convention to address itself to at all. This is a limitation on the State, not on private individuals.

DELEGATE MASON: I am speaking about collective bargaining negotiations between public employees.

DELEGATE WILLONER: And the State?

DELEGATE JAMES (presiding): Delegate Willoner.

DELEGATE WILLONER: I would have to frankly say that this was a question that was never discussed in committee. As a matter of fact, as you well know, our Committee did not report out something on labor, so perhaps it was not discussed.

I would have to say this: I would think the legislature would be wise in protecting this area, because I think it is something that the public has a definite interest in. It is something that affects us, all of us, and yet it would involve the personnel aspects.

Now, I would have to say that it would fall under that category of areas where you are discussing personnel matters, and it would be covered under provisions such as that.

DELEGATE JAMES (presiding): Delegate Marion.

DELEGATE MARION: Delegate Willoner, since we have already provided in the constitution in section 5.27 that proceedings before the commission on judicial disabilities shall be confidential, should not the exception in the last phrase of the amendment which you propose read "except as otherwise prescribed by this constitution or by public general law"?

DELEGATE WILLONER: I think you are well aware of the principle that the